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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/802,890 | 03/17/2004 | John K. Junkers | 2839 | 4635 |

7590 01/30/2007
STRIKER, STRIKER & STENBY
103 East Neck Road Huntington
Huntington, NY 11743

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| EXAMINER |
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MITCHELL, KATHERINE W

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| ART UNIT | PAPER NUMBER |
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3677

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| MAIL DATE | DELIVERY MODE |
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01/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
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| Supplemental Notice of Allowability | Application No. | Applicant(s) |
| | 10/802,890 | JUNKERS, JOHN K. |
| | Examiner Katherine W. Mitchell | Art Unit 3677 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 1/11/2007.
2. The allowed claim(s) is/are 1-17, 19 and 20.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 7/18/2006
4. Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. Notice of Informal Patent Application
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other PALM RAM FEE HISTORY QUERY,
1 page

The information disclosure statement (IDS) submitted on 7/18/2006 (a duplicate of the IDS filed on 10/3/2005 was filed timely on both the aforementioned dates. The submission was in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner. The IDS was initialed and considered by examiner on 8/17/2006, but an internal error resulted in the initialed IDS not being sent to applicant, and examiner sincerely apologizes to applicant for any inconvenience this has caused. Applicant was completely correct in his filings, and did indeed even refile the document to ensure it was of record and considered, and the omission was in no way the fault of the applicant. Again, examiner apologizes.

Examiner notes that since applicant did have to file the IDS several times to receive acknowledgement of its consideration, the IDS was ultimately considered as being filed with/after an RCE but before an action, and thus no fee was charged. Examiner has verified that only 2 IDS fees were paid, for the IDS's filed 8/3/2005 and 9/9/2005. The 10/3/2005 IDS, although with a fee authorization, did not result in a third IDS fee, as the duplicate IDS was filed and considered after an RCE but before an action, and thus no fee was due. A printout of the fee sheet is attached for applicant's review.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine W. Mitchell whose telephone number is 571-272-7069. The examiner can normally be reached on Mon - Thurs 10 AM - 8 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Katherine W Mitchell
Primary Examiner
Art Unit 3677

Kwm
1/26/2007

